

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT J. MADDAUS,

Petitioner,

v.

JERI BOE,

Respondent.

CASE NO. 3:17-cv-06020-RBL-JRC

ORDER GRANTING FIFTH
MOTION TO EXTEND STAY

The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge J. Richard Creatura. The authority for the referral is 28 U.S.C. §§ 636(b)(1)(A) and (B) and local Magistrate Judge Rules MJR3 and MJR4. Petitioner filed his petition pursuant to 28 U.S.C. § 2254. Before the Court is respondent's motion to extend the stay. Dkt. 30.

Petitioner filed his petition in December 2017 and then requested that the Court stay the petition so that he could exhaust his state court remedies. *See* Dkts. 1, 9. The Court granted petitioner's request, stayed the matter, and required respondent to provide this Court with a status

1 report and motion to extend the stay before it expired. *See* Dkt. 15. Since then, the Court has on
 2 four occasions extended the stay on respondent's motion. *See* Dkts. 19, 25, 29.

3 The stay is currently set to expire on August 14, 2020, and respondent has again moved
 4 to extend the stay. *See* Dkt. 30. Respondent submits that although petitioner's state court matter
 5 has finalized, petitioner is pursuing post-conviction remedies, including an August 6, 2020,
 6 superior court hearing. *See* Dkt. 30-1, at 9. Further, petitioner has filed no objection to the
 7 motion to extend the stay. *See* Dkt.

8 This Court may stay consideration of a habeas petition to allow a petitioner to exhaust his
 9 remedies in state court before returning to federal court. *See Rhines v. Weber*, 544 U.S. 69, 274–
 10 79 (2005). Because petitioner is still exhausting his state court remedies, the undersigned finds
 11 good cause to grant respondent's request. Therefore, it is ORDERED,

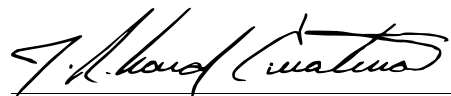
12 (1) Respondent's motion to extend the stay (Dkt. 30) is granted. The stay on this habeas
 13 proceeding is extended to **February 15, 2021**.

14 (2) Respondent shall file a report and motion to extend the stay, if necessary, on or before
 15 **February 1, 2021**.

16 (3) Should the state court dismiss petitioner's state post-conviction review or otherwise
 17 terminate review before February 15, 2021, petitioner or respondent shall inform the Court and
 18 request that the stay be lifted within 30 days of the state court's decision.

19 (4) The Clerk will note the deadlines set by this Order on the docket.

20 Dated this 14th day of August, 2020.

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23 J. Richard Creatura
 24 United States Magistrate Judge